

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

SPA SYSPATRONIC AG,

Plaintiff(s),

V.

INFINEON TECHNOLOGIES NORTH
AMERICA CORPORATION and INFINEON
TECHNOLOGIES AG.,

Defendant(s).

Civil Action No. 2:09-cv-04060-PDT

**NOTICE OF LAWSUIT
AND REQUEST FOR
WAIVER OF SERVICE
OF SUMMONS**

TO: Mr. Jean-Baptiste Loire
Infineon Technologies North America Corporation
1110 American Parkway NE
Allentown, PA 18109-9137

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Eastern District of Pennsylvania, and has been assigned Civil Action No. 2:09-cv-04060-PDT.

This is not a formal summons or notification from the Court, but rather my request that you sign and return the enclosed Waiver of Service of Summons in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 30 days after the date designated below as the date on which this notice and request is sent. I enclose a self-addressed, prepaid envelope for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the Court and no summons will be served on you. The action will then proceed as if you have been served on the date the waiver is filed, except you will not be obligated to answer the complaint before sixty (60) days from the date designated below as the date on which this notice is sent (or before ninety (90) days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those rules, ask the Court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff SPA Syspatronic AG, this 11th day of December, 2009.

By: 

Charles P. Kennedy
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West, Ste. 300
Westfield, NJ 07090-1497
Tel: 908.654.5000
Fax: 908 654 7866

Glenn S. Gitomer
Attorney I.D. No. 19287
McCAUSLAND, KEEN & BUCKMAN
Radnor Court, Suite 160
259 North Radnor-Chester Road
Radnor, PA 19087
Tel: 610.341.1000
Attorneys for Plaintiff SPA Syspatronic AG

12/23/09
Date


Signature

Sarah Chapiro
Print/Type Name

as: Attorney
Title

of: McDermott Will & Emery
Name of Corporation
Convaal for Infusion N.A.

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A defendant who waives service must, within the time specified on the waiver form, serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the Court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

(Added Apr. 22, 1993, eff. Dec. 1, 1993)